

**RESOLUTION NO. 08-7554**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF SANTA CLARA, APPROVING A REZONE FROM R1-  
6L (SINGLE FAMILY RESIDENTIAL) TO R2-7L  
(DUPLEX) AT 4041 DAVIS STREET**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA,  
CALIFORNIA, AS FOLLOWS:**

**WHEREAS,** Mr. and Mrs. Kishin Kanuga ("Applicant"), submitted an application for a rezone, the real property commonly known as 4041 Davis Street and legally known as Santa Clara County Assessor's Parcel No. 104-12-079, from R1-6L to R2-7L to demolish the existing accessory dwelling unit and detached garage and construct a new two-story single family residence on the Property, with an existing single family residence; a variance allowing a reduction in the minimum lot width requirement of 65 feet to 50 feet in width for duplex zoning; and a reduction in minimum front yard setback requirement of 20 feet to 15 feet to allow encroachment of an existing nonconforming structure ("Project");

**WHEREAS,** the Property is currently zoned R1-6L and has a single family residence, accessory dwelling unit, and a detached garage;

**WHEREAS,** the City of Santa Clara's Planning Commission ("Commission") considered the application at a duly noticed public hearing on July 23, 2008, and made the following findings, approvals, and recommendations:

1. CEQA Exemption and Findings. The Project is exempt from California's Environmental Quality Act ("CEQA") under CEQA Guideline 15303(a) because the Project is for the construction of one, single family residence in a residential zone.

2. The Commission Recommends that the Council Approve the Rezone. The Commission recommends that the Council conditionally approve a rezone from R1-6L to R2-7L, to demolish an existing accessory dwelling unit and detached garage, to allow construction of a new single family residence on the Property with an existing single family, subject to the Conditions of approval attached hereto as Exhibit A.

3. Variances and Findings. Santa Clara City Code Chapter 18.108 governs the approval or denial of variances in the City. The Code of the City of Santa Clara, section 18.108.030 requires a public hearing in order to grant a variance. The Commission found that: (i) there are unusual conditions applying to the land or building which do not apply generally in the same district because the Property has a substandard lot width; (ii) the granting of the variance is necessary for the preservation and enjoyment of substantial property rights because the replacement of the existing accessory dwelling unit and detached garage with a single family residence and attached carport will enhance property values; (iii) the granting of such variance shall not, under the circumstances of the particular case, materially affect adversely the health, safety, peace, morals, comfort or general welfare of persons residing or working in the neighborhood of the applicant's property, and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood because this is the replacement of an existing accessory dwelling unit and detached garage with a single family residence and attached carport; and (iv) that the granting of the variance is in keeping with the purpose and intent of this Chapter 18 of the Code of the City of Santa Clara because the Project replaces an existing accessory dwelling unit and detached garage with a single family residence and attached carport.

5. Variance Approvals. Based on the findings set for the above, the Commission approved the following variances: (i) a reduction in the minimum lot width requirement of 65 feet to 50 feet in width for duplex zoning, and (ii) a reduction in the minimum front yard setback requirement for 20 feet to 15 feet to allow encroachment of an existing structure; and

**WHEREAS**, this Project was set for a duly noticed public hearing before the City Council of the City of Santa Clara on August 26, 2008.

**NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA, CALIFORNIA, AS FOLLOWS:**

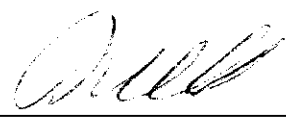
1. Incorporation. The Council incorporates the Commission's recommendations, actions, and findings, and the recitals set forth above, into this Resolution.
2. Rezone Approval and Findings. The Council accepts the Commission's recommendation and approves the rezone from R1-6L to R2-7L, subject to the Conditions of Approval attached as Exhibit A. The Council finds that the proposed zone change will conserve property values by allowing private investment and improvements in the orderly development of the property; will protect the existing character and stability of the area because adequate on-site parking will be provided and the building design will be compatible with existing structures in the surrounding neighborhood; and will promote the orderly and beneficial development of the area because the property will be improved. The Council further finds that the proposed zone change is appropriate for the general welfare of the City because it will increase home ownership opportunities.

4. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City Council of the City of Santa Clara hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 26<sup>TH</sup> DAY OF AUGUST, 2008, BY THE FOLLOWING VOTE:

AYES:	COUNCILORS:	Caserta, Kennedy, Kolstad, Kornder, McLeod and Moore and Mayor Mahan
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	None
ABSTAINED:	COUNCILORS:	None

ATTEST: \_\_\_\_\_

  
ROD DIRIDON, JR.  
CITY CLERK  
CITY OF SANTA CLARA

Attachments Incorporated by Reference:  
1. Exhibit A: Conditions of Approval  
2. Exhibit B: Plan Set

**EXHIBIT A**  
**PLN2007-06257 CONDITIONS OF APPROVAL**

**GENERAL**

1. If relocation of an existing public facility becomes necessary due to a conflict with the developer's new improvements, then the cost of said relocation shall be borne by the developer.

**ENGINEERING**

2. Obtain site clearance through Engineering Department prior to issuance of building permit. Site clearance will require payment of applicable development fees. Other requirements may be identified for compliance during the site clearance process.
3. If any work is proposed within the public right-of-way and/or public easement, which is to be performed by the Developer/Owner, the general contractor, and all subcontractors, it shall be included within a **Single Street Opening Permit** issued by the City Engineering Department. Issuance of the Street Opening Permit and payment of all appropriate fees shall be completed prior to commencement of work, and all work under the permit shall be completed prior to issuance of occupancy permit.

**ELECTRIC**

4. Electric service shall be overhead. See Electric Department Rules and Regulations for available services.
5. Overhead services shall be installed per City of Santa Clara Electric Department standard OH-550 and MS-G7 latest revision.
6. All electric meters and services disconnects shall be grouped at one location, outside of the building or in a utility room accessible directly from the outside. A double hasp locking arrangement shall be provided on the main switchboard door(s). Utility room door(s) shall have a double hasp locking arrangement or a lock box shall be provided. Utility room door(s) shall not be alarmed.
7. Installation of underground trench may be required when construction begins.

**WATER**

8. All sanitary sewer lateral(s), either proposed or existing, shall be equipped with a clean-out at the property line.
9. Developer is advised that adequate plumbing must be designed and installed for the proposed development and the affected building, or reduced residual water pressure may be experienced due to added water demand.

**FIRE**

10. In existing residential buildings and in residential buildings that undergo alterations, repairs or additions where a permit is required, smoke alarms may be solely battery operated. Smoke alarms shall be located in accordance with CBC Section 310.9.

11. Address numbers shall be on the building and visible from the public street.

**PLANNING AND INSPECTION**

12. Obtain required permits and inspections from the Building Official and comply with the conditions thereof.

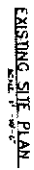
13. Building permits must be obtained for the current front porch of the primary residence.

14. Submit plans for final architectural review to the Planning Division and obtain architectural approval prior to issuance of building permits.

15. Construction activity shall be limited to the hours of 7:00 a.m. to 6:00 p.m. weekdays and 9:00 a.m. to 6:00 p.m. Saturdays for projects within 300 feet of a residential use and shall not be allowed on recognized State and Federal holidays.

16. The project will be required to comply with the City's Urban Runoff Pollution Prevention Program, including best management practice measures for construction and post-construction activity, including reducing runoff to public storm drain facilities from rooftops and paved surfaces.

11-11-11

[illegible][illegible]

SITE DATA AND ZONING

3.25.000000		
AMM. F.O.S.E. NO. 00000000		
Unit: JAL		
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200000	000	000
300000	000	000
400000	000	000
500000	000	000
600000	000	000
700000	000	000
800000	000	000
900000	000	000
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9900000	000	000
10000000	000	000

82-7046-10000	
UNIT 2	
151 PAK	22.05
PAK 16	719.10
TOTAL BY AIR	1901.07
PROB. 8	1
GRAND	1902.07
TOTAL BY AIR	
FIN. CONTRACT	2000
7000	1500
144,750.00	2000
	40%

[illegible]

USDA MC / DOWD 37L FIVE. KODAK MATH. 287. 015. AND GINEMA. MOLES

1. What does the song "Good
2. Goodbye to My Friend" mean
3. according to the author?
4. What does the "friend" mean
5. to the author?
6. How does the author feel
7. about the friend?
8. What does the author think
9. about the friend?

### CONSTRUCTION DATA

[illegible]

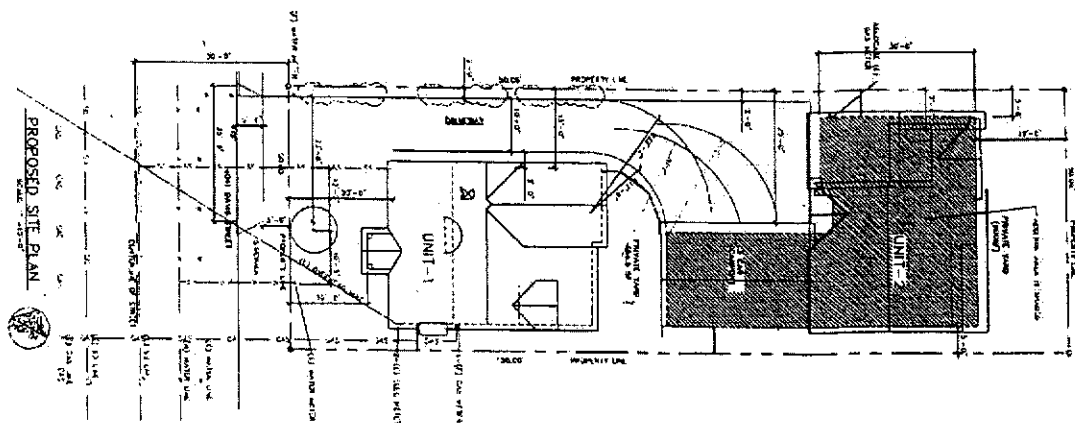
CHAND B. SHINDE, NERC'S CHAIR

CRIMINAL RECORDS DIVISION

CAMPBELL, CA 95008  
Richard A. Campbell

—

Exhibit B



PROPOSED SITE PLAN  
SCALE: 1"=45'-0"



2

MR. AND MRS. KANUGA  
4041 DAVIS ST.  
SANTA CLARA, CA. 95054

**RICHARD HARG**  
DRAFTING and PLANNING, INC.  
543 E. MONTGOMERY LANE, CAMPBELL, CA 95008  
(408) 271-7000

PROPOSED SITE PLAN,  
SITE DATA AND GENERAL NOTES

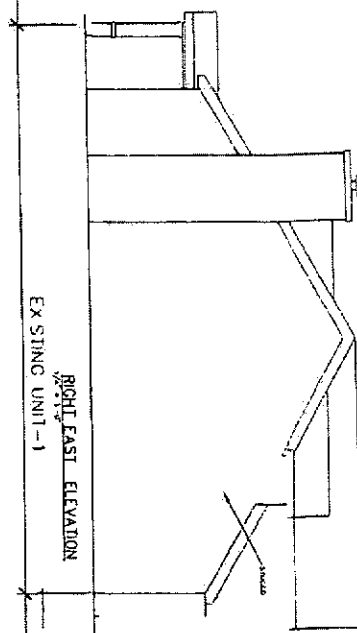
6A-2H-07	△
6A-2H-02	△
6A-03-02	△
6A-2H-03	△
6A-2H-08	△



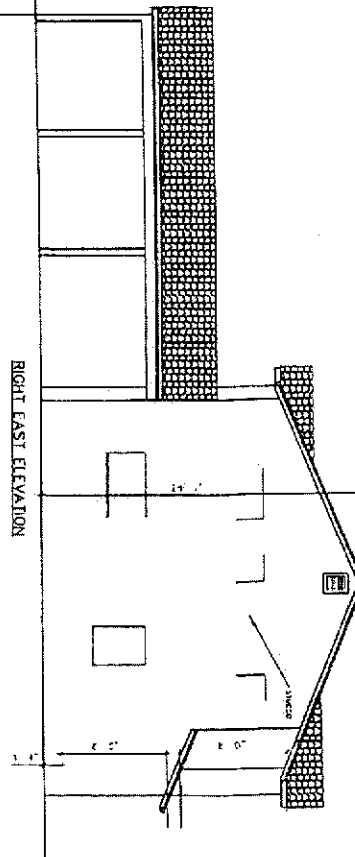




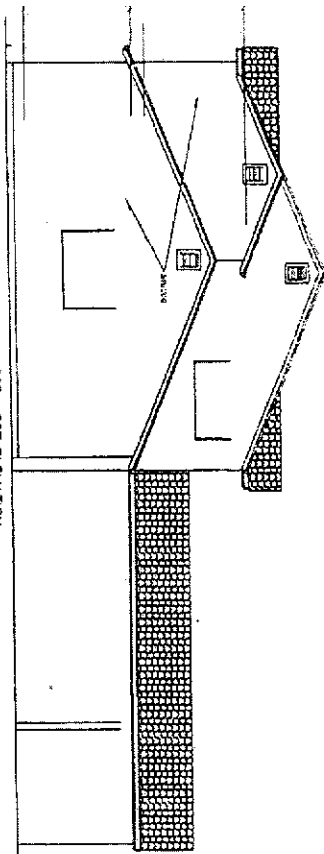




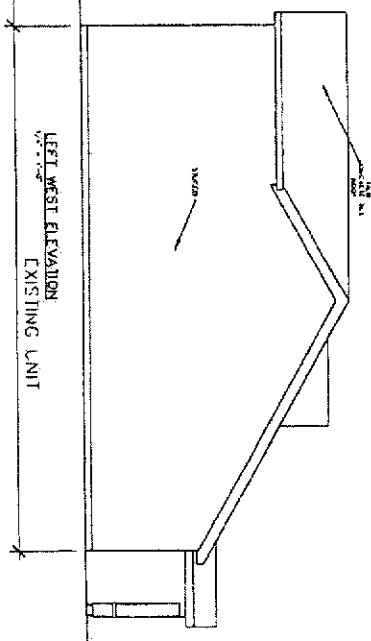
RIGHT EAST ELEVATION  
EXISTING UNIT - 1



RIGHT EAST ELEVATION



LEFT WEST ELEVATION



LEFT WEST ELEVATION  
EXISTING UNIT

7	02-13-02	MR. AND MRS. KAHUGA 4041 DAVIS ST. SANTA CLARA, CA. 95054	<b>RICHARD HARG</b> DRAFTING AND PLANNING, INC. 543 S. WHEELER LANE, CAMPBELL, CA. 95008 (408) 271-7200 <i>Richard Harg</i>		PROPOSED ELEVATIONS	02-13-02	02-13-02	02-13-02	02-13-02
	02-13-02	02-13-02				02-13-02	02-13-02		
	02-13-02	02-13-02				02-13-02	02-13-02		
	02-13-02	02-13-02				02-13-02	02-13-02		

